

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

KEVIN WEBSTER AND SHERRYE WEBSTER

PLAINTIFFS

V.

CIVIL ACTION NO. 1:05cv715-LTS-RHW

USAA CASUALTY INSURANCE COMPANY

DEFENDANT

**ORDER**

The Court entered an [252] Order yesterday ruling on Plaintiffs' and Defendant's objections to various deposition excerpts that may be offered at trial. The Order observed that the Court did not have the deposition of Gladys Cainas, and was not in a position to rule on Plaintiff's objections. That deposition has been submitted for the Court's consideration.

The following Plaintiffs' objections are **SUSTAINED** as to the deposition of Gladys Cainas:

Page 34, line 10 through Page 38, line 16 (additional living expenses and contents have been stipulated).

Page 39, line 5 through Page 41, line 22 (any probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury).

The Court has also been favored with the missing pages in the deposition of Joy Henderson referred to in the [252] Order. Although it is unclear why Defendant is objecting to Page 62, lines 14-19, and Page 62, lines 20-25 (since those portions appear to occur during defense counsel's questions of one of Defendant's former employees who participated in the handling of Plaintiffs' claim, and do not correspond with a complete question or answer), for the time being those objections will be **SUSTAINED, WITHOUT PREJUDICE** to revisiting these issues at trial.

The remainder of Defendant's objections to the deposition of Joy Henderson (not already addressed in [252]) are **OVERRULED**.

**SO ORDERED** this the 14<sup>th</sup> day of September, 2007.

s/ L. T. Senter, Jr.  
L. T. SENTER, JR.  
SENIOR JUDGE